

SENATE RECORD VOTE ANALYSIS

104th Congress
1st Session

Vote No. 25

January 18, 1995, 7:54 p.m.
Page S-1060 Temp. Record

UNFUNDED MANDATES/Protecting Abortion Clinics

SUBJECT: Unfunded Mandate Reform Act of 1995 . . . S. 1. Boxer perfecting amendment No. 142 to the Gorton perfecting amendment No. 31, as amended, to the language proposed to be stricken by the committee amendment beginning on page 25, line 11.

ACTION: AMENDMENT AGREED TO, 99-0

SYNOPSIS: Pertinent votes on this legislation include Nos. 15-24, 26-41, 43-45, and 47-61.

As reported by the Governmental Affairs Committee and the Budget Committee, S. 1, the Unfunded Mandate Reform Act of 1995, will create 2 majority (51-vote) points of order in the Senate. The first will lie against the consideration of a bill or joint resolution reported by an authorizing committee if it contains mandates and if Congressional Budget Office (CBO) cost estimates on those mandates are unavailable. The second point of order will lie against the consideration of a bill, joint resolution, motion, amendment, or conference report that will cause the total cost of unfunded intergovernmental mandates in the legislation to exceed \$50 million.

The committee amendment beginning on page 25, line 11, would strike the provision that would give the Governmental Affairs Committee in the Senate, and the Committee on Government Reform and Oversight in the House, the authority to make the final determination on whether proposed legislation contains a Federal mandate. It would also strike the provision providing that the levels of Federal mandates for a fiscal year will be determined based on the estimates of the respective budget committees. (The Budget Committee, which considered the bill sequentially in accordance with Budget Act requirements, struck these provisions with this one amendment).

The Gorton amendment to the language proposed to be stricken by the committee amendment, as amended (see vote Nos. 23 and 24), would express the sense of the Senate: that Goals 2000 history standards that were developed before February 1, 1995 should not be approved or certified; that Goals 2000 history standards should not be based on standards developed primarily by the National Center for History in the Schools prior to February 1, 1995; and that any recipient of funds for the development of Goals 2000 history standards should have a decent respect for the contributions of western civilization, and United States history, ideas, and institutions,

(See other side)

YEAS (99)				NAYS (0)		NOT VOTING (1)	
Republican (52 or 100%)		Democrats (47 or 100%)		Republicans (0 or 0%)	Democrats (0 or 0%)	Republicans (1)	Democrats (0)
Abraham	Inhofe	Akaka	Hollings			EXPLANATION OF ABSENCE: 1—Official Business 2—Necessarily Absent 3—Illness 4—Other SYMBOLS: AY—Announced Yea AN—Announced Nay PY—Paired Yea PN—Paired Nay	
Ashcroft	Jeffords	Baucus	Inouye				
Bennett	Kassebaum	Biden	Johnston				
Bond	Kempthorne	Bingaman	Kennedy				
Brown	Kyl	Boxer	Kerrey				
Burns	Lott	Bradley	Kerry				
Chafee	Lugar	Breaux	Kohl				
Coats	Mack	Bryan	Lautenberg				
Cochran	McCain	Bumpers	Leahy				
Cohen	McConnell	Byrd	Levin				
Coverdell	Murkowski	Campbell	Lieberman				
Craig	Nickles	Conrad	Mikulski				
D'Amato	Packwood	Daschle	Moseley-Braun				
DeWine	Pressler	Dodd	Moynihan				
Dole	Roth	Dorgan	Murray				
Domenici	Santorum	Exon	Nunn				
Faircloth	Shelby	Feingold	Pell				
Frist	Simpson	Feinstein	Pryor				
Gorton	Smith	Ford	Reid				
Gramm	Snowe	Glenn	Robb				
Grams	Specter	Graham	Rockefeller				
Grassley	Stevens	Harkin	Sarbanes				
Gregg	Thomas	Heflin	Simon				
Hatch	Thompson		Wellstone				
Hatfield	Thurmond						
Hutchison	Warner						

Compiled and written by the staff of the Republican Policy Committee—Don Nickles, Chairman

to the increase of freedom and prosperity around the world. Further, it would express the sense of the Senate: that States should not shift costs to local governments, which often leads to property tax increases; that State legislatures should not impose unfunded mandates on local governments without first fully considering those mandates; and that a primary objective of this Act should be to reduce taxes and spending at all levels and to end the practice of shifting costs with little or no benefit to taxpayers.

The Boxer second-degree perfecting amendment to the Gorton perfecting amendment, as amended, would express the sense of the Senate that "the United States Attorney General should fully enforce the law and protect persons seeking to provide or obtain, or assist in providing or obtaining, reproductive health services from violent attack." The amendment would not be construed as prohibiting any expressive conduct (including peaceful picketing or other peaceful demonstration) protected from legal prohibition by the First Amendment to the Constitution. The amendment is based on seven findings, including the following: in 1994, there was one attempted murder in Florida and four individuals were killed at reproductive health care clinics in Florida and Massachusetts; violence is not a mode of free speech and should not be condoned as a method of expressing an opinion; and the President has ordered the creation of task forces of Federal, State, and local law enforcement officials to develop plans for protecting reproductive health care clinics and has ordered the United States Marshals Service to ensure coordination among those officials in protecting clinics.

Those favoring the Boxer amendment contended:

The Senate must go on record unequivocally to condemn the rising tide of violence against reproductive health care providers. In the past 22 months, several innocent abortion clinic personnel have been slain by murderers who call themselves pro-life. So-called pro-life groups have generally condemned these murders, saying that they are the actions of a few deranged individuals, but these groups cannot so easily sidestep responsibility. Their rhetoric, including the issuing of posters of doctors with captions stating "Wanted for Killing Unborn Babies," and the likening of the more than 30 million abortions since the Roe v Wade decision to the Holocaust, serves as an open invitation to unstable individuals to take the law into their own hands. This violence must stop. The United States is a nation of laws. All Americans, with their sharply divergent opinions, cultures, faiths, and values, must obey those laws as the common thread that binds us together. Abortion is a constitutionally protected right, and, in our democratic process, it must be safe and accessible regardless of what one's views may be on its morality. We therefore emphatically urge the approval of the Boxer amendment.

While favoring the amendment, some Senators expressed the following reservations:

The Boxer amendment condemns violence against abortionists. We agree that such violence should be condemned. Senators who are pro-life, as we are, do not believe that the answer to the legal violence of abortion is to break the law by violently attacking its practitioners. The rule of law must always be respected, whether one is talking about violence against abortionists or any other type of violence, including violence against pro-life activists. For example, the 1993 murder of a pro-life minister in Alabama by a self-described Satan worshipper should also be condemned. However, we have yet to hear any of our pro-choice colleagues or anyone in the media decry that murder. We definitely have not heard the suggestion made that the actions of this one deranged individual are representative of the views of the pro-choice community. This amendment would be much improved if it condemned all violence instead of singling out violence against abortionists, which has already received an enormous amount of media coverage, and which has been used unfairly to mischaracterize the peaceful efforts of millions of pro-life Americans.

Though the sponsors of this amendment refused to modify it to condemn all violence, they were willing to make several improvements before it was offered. For example, they removed findings which stated that clinics were entitled to full protection from the Federal Government, and that the Attorney General should take any further necessary measures beyond fully enforcing the law to protect clinics. These findings were inconsistent with our federal system of government. Law enforcement is primarily a State and local concern. Every State in the Union has laws against murder and enforces those laws. In fact, the murderer who killed Dr. Gunn (who worked at an abortion clinic) in 1994 has already received the death sentence in Florida. The Senate may decry random acts of violence; it may be upset to hear horror stories such as children murdering children to steal their shoes or jackets; it may feel compelled to respond when it sees a huge increase in drug- and gang-related violence. However, the proper response for the Federal Government is not to provide full Federal protection, nor is it to take all necessary measures to end the violence. The Federal Government should assist local law enforcement through such measures as police training, but it should not take over the police function.

As modified, the Boxer amendment is acceptable. It rightly condemns violence against abortion providers, and it rightly calls for full enforcement of Federal laws as they relate to those providers. We thank our colleagues for working with us to improve this amendment before it was offered, and we are pleased that we can vote for it in its current form.